



Decision _____

FILED**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**7-21-16
08:00 AM

Order Instituting Rulemaking to Develop and Adopt Fire-Threat Maps and Fire-Safety Regulations.	Rulemaking No. 15-05-006 (Filed May 7, 2015)
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INTERVENOR COMPENSATION CLAIM OF THE MUSSEY GRADE ROAD ALLIANCE AND DECISION ON INTERVENOR COMPENSATION CLAIM OF THE MUSSEY GRADE ROAD ALLIANCE

NOTE: After electronically filing a PDF copy of this Intervenor Compensation Claim (Request), please email the document in an MS WORD, supporting EXCEL Timesheets, and any other supporting documents to the Intervenor Compensation Program Coordinator at icompcordinator@cpuc.ca.gov.

Intervenor: Mussey Grade Road Alliance	For contribution to Decision (D.) 16-05-036
Claimed: \$ 14,841	Awarded: \$
Assigned Commissioner: Florio	Assigned ALJ: Kenney
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).	
Signature:	/s/
Date: 7/21/2016	Printed Name: Diane J. Conklin

PART I: PROCEDURAL ISSUES (to be completed by Intervenor except where indicated)

A. Brief description of Decision:	Decision accepting Fire Map 1
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	6/22/2016	
2. Other specified date for NOI:		

3. Date NOI filed:	7/11/2016	
4. Was the NOI timely filed?		
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.13-11-006	
6. Date of ALJ ruling:	7/24/2014	
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.13-11-006	
10. Date of ALJ ruling:	7/24/2014	
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.16-05-036	
14. Date of issuance of Final Order or Decision:	5/26/2016	
15. File date of compensation request:	7/21/2016	
16. Was the request for compensation timely?		

C. Additional Comments on Part I (use line reference # as appropriate):

#	Intervenor’s Comment(s)	CPUC Discussion
1	According to the 7/7/2016 email from Maria Vengerova of the Intervenor Compensation Coordinator’s Office, findings of customer-related status and significant financial hardship are valid for all proceedings commencing within one year of the ruling making the finding of said status.	

PART II: SUBSTANTIAL CONTRIBUTION (to be completed by Intervenor except where indicated)

A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059). (For each contribution, support with specific reference to the record.)

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>Note: For definition of contribution types, see Comment 2 in Section C. For definition of issue, see Comment 1 in Section C. For reference abbreviations, see Comment 3 in Section C</p>		
<p>2. Continued to advocate for inclusion of wind as a driver for ignitions that needs to be explicitly included in Fire Map 1. IET initially included this as a threshold effect in its Option 1, and also offered an Option 2 with no wind ignition driver. MGRA argued in comments and during the workshop for a stronger wind effect. MGRA supported the compromise put forward by Reax that made the ignition threshold proportional to wind force.</p> <p>Type: Initiator Issue: Eng</p>	<p>MGRA-DMAP-Cmt, p. 5 – “The goal of the current proceeding is to create a fire threat map that can be used to develop <i>engineering standards</i> appropriate for high fire risk areas... Adopting a model that explicitly includes a wind component is necessary to achieve the goals set forth in this proceeding.”</p> <p>Decision, p. 7 – “Next, the IET developed the Ignition Potential Index (IPI) to estimate the likelihood of utility-related fires during severe fire-weather conditions. The IPI uses (1) wind force as a proxy for the likelihood that overhead utility facilities might produce a spark that could ignite a fire...”</p>	
<p>3. MGRA suggested that a map that specifically addresses fire hazards due to tree-line contact should be developed for areas such as Northern California in which wind may not be a driver.</p> <p>Type: Primary Issue: Veg</p>	<p>MGRA-DMAP-Cmt, p. 5 – “Fire risk is not isolated to Southern California. The recent Butte fire burned almost 500 homes and scorched 70,000 acres, and was possibly caused by a tree limb falling onto a PG&E power line... Should the Commission also want to address vegetation risk, a map derived from Model 1 – in conjunction with selection for vegetation type with high canopies – could form the basis for such</p>	

	<p>a map. This could potentially be an additional output from this proceeding, but should not be conflated with the agnostic map intended for input into developing engineering requirements for the regulatory (Map 2) process.”</p> <p>Decision, p. 26: “We agree with MGRA that the development of Fire Map 2 should address the fire hazards associated with the Butte Fire. As stated in the proposed decision, it is our intent that the development of Fire Map 2 should address not only the October 2007 fires in Southern California, but other historical fires, too.”</p>	
<p>3. MGRA analyzed the IET Fire Map 1 and alerted the IET and parties that areas of Southern California that had been subject to the 2003 and 2007 wildfires had index scores that underrepresented the actual fire risk due. This turned out to be due to a flawed vegetation regrowth model, and was corrected by the IET. This also raised the issue of map refreshment cycle.</p> <p>Type: Primary Issue: Veg</p>	<p>MGRA-DMAP-Cmt, p. 7 - “It can be clearly seen in the map above that the calculated fire threat is considerably lower where major fires have already burned... This raises a concern regarding the present and future accuracy of these maps in their current form. The vegetation type in much of San Diego County is chaparral, which is fast growing, fire-resilient, and can propagate high-intensity fast-moving fires.”</p> <p>SED-Wkp-Rpt, p. 6 – “To reach consensus on the appropriate surface fuel data for Fire Map 1, the IET recommended and created rules to utilize recently developed statewide vegetation dataset to replace areas of known inconsistencies or mis-categorization of surface fuels in both datasets.”</p>	

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	No	
b. Were there other parties to the proceeding with positions similar to yours?	Yes	
c. If so, provide name of other parties: SED		
d. Intervenor's claim of non-duplication: MGRA was supportive of SED and Cal Fire's (not a party) efforts in the creation of Fire Map 1. MGRA was the only non-governmental party representing the interests of California residents of rural fire-prone areas. MGRA concentrated on the importance of wind to fire ignition, and supported map options that specifically included a wind ignition component. MGRA also raised the vegetation management issues associated with the Butte Fire.		

C. Additional Comments on Part II (use line reference # or letter as appropriate):

#	Intervenor's Comment		CPUC Discussion
1	Contribution Types	There are various types and levels of contribution that the Alliance interventions provided. These are defined and explained below.	
	Primary	A Primary contribution is one in which the Alliance made a unique and definitive difference in supplying information not supplied by any other party. The Alliance can show that "but for" its intervention, the Decision would have likely reached a different conclusion.	
	Initiator	In instances where the Alliance was an "Initiator", it was the first to bring a particular issue or analysis to the Commission's attention. Other parties subsequently made additions or improvements that were accepted by the Commission.	
	Contributor	While not initiating an analysis or study, the Alliance made a significant contribution to it. Also, in decisions or conclusions which take into	

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

		account many different factors, the Alliance's results contribute one or more of these factors.	
	Improvement	The Alliance commented on an existing process or measure and its suggestion was adopted in the final decision.	
	Complimentary	The Alliance chose a different method or analysis than that used in the Final Decision, but which is consistent with it and supports the same results.	
	Alternative	The Alliance reached a conclusion or presented an analysis at variance with the Decision or with the Final EIR/EIS, but which raised important points.	
2	Abbreviations for issues that MGRA was involved in: Map: Procedural and general issues related to the process of map creation. Eng: Engineering requirements for the map – specifically the requirement that an ignition component be incorporated. Veg: Vegetation issues, including tree canopy (Butte Fire) and chaparral issues Southern California.		
3	Abbreviation MGRA-DMAP-Cmt MGRA-DMAP-Rpl MGRA-WKP-Rpl MGRA-PD-Cmt SED-Wkp-Rpt	Document MUSSEY GRADE ROAD ALLIANCE COMMENTS ON THE DRAFT MAP AND DEVELOPMENT REPORT MUSSEY GRADE ROAD ALLIANCE REPLY COMMENTS TO PARTY COMMENTS ON THE DRAFT MAP AND DEVELOPMENT REPORT AND ALTERNATIVE MAPS MUSSEY GRADE ROAD ALLIANCE REPLY TO PARTY COMMENTS ON THE MAP 1 WORKSHOP REPORT MUSSEY GRADE ROAD ALLIANCE COMMENTS ON THE PROPOSED DECISION ADOPTING FIRE MAP 1 THE SAFETY AND ENFORCEMENT DIVISION WORKSHOP REPORT FOR WORKSHOPS HELD NOVEMBER 12 AND 13, 2015 ON BEHALF OF CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION/INDEPENDENT EXPERT TEAM AND JOINT PARTIES	

PART III: REASONABLENESS OF REQUESTED COMPENSATION (to be completed by Intervenor except where indicated)

A. General Claim of Reasonableness (§ 1801 and § 1806):

a. Intervenor's claim of cost reasonableness:	CPUC Discussion
MGRA has the initial proponent of utility-specific fire maps, and believes that the creation of these maps will lead to greater and more uniform safety across the	

<p>state of California. Our goals had already been primarily met in previous proceedings by the declaration that there would be a “science-based” Map 1 and the funding of an Independent Expert Team led by Cal Fire to produce it. Therefore, MGRA participation in this proceeding was relatively light compared to its predecessor proceedings, leading to reduced intervention costs.</p> <p>On the issues where we did intervene, we believe we substantially enhanced public safety at a minimal cost to the Commission and ratepayers. Helping to drive to a consensus for a wind-ignition component we believe is the core value of Map 1 that differentiates it from any other fire risk map by identifying areas where power line fires are prone to start under fire weather conditions. Preventing even one scenario such as the 2007 fire storm, with its total costs of several billion dollars, would greatly benefit residents and ratepayers.</p> <p>On the issue of the Butte fire and vegetation fires, MGRA recognized that other ignition mechanisms might be at play, and that the Commission might want to expand the scope of Fire Map 2 to include high-canopy vegetation fires as an alternate map or layer. The Butte fire damages may approach \$1 billion, so prevention of even one similar fire would be of great benefit to ratepayers and residents and would far exceed cost of MGRA participation.</p> <p>Finally, on the issue of vegetation in Southern California, MGRA detected a problem in Fire Map 1’s vegetation model, which severely underestimated fire risk in areas that had recently burned. Had this gone undetected, it might have directed utility fire prevention resources away from many areas that should instead have greater priority for enhanced safety regulation and resourcing. Once again, the benefits of preventing even one fire in these areas greatly exceeds the cost of MGRA participation.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>The majority of the MGRA input was technical, and was prepared by MGRA expert witness Dr. Mitchell. Dr. Mitchell donated 5 hours of analysis time for which no compensation is sought.</p> <p>Ms. Conklin has donated time to this proceeding and makes no claim for intervenor compensation at this time.</p> <p>Because of our alignment with IET and SED, it was only necessary for MGRA to intervene on very specific issues, which minimized this compensation claim.</p>	
<p>c. Allocation of hours by issue: Expert hours Maps: 22.5 Eng: 10.6 Veg: 7.7</p>	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
J.Mitchell	2015, 2016	40.7	185	D.15-07-030, ALJ-308	\$11,599.50			
Subtotal: \$ 11,599.50						Subtotal: \$		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
J.Mitchell	2015	8	92.50	D.15-07-030, ALJ-308	1,140.00			
Subtotal: \$1,140						Subtotal: \$		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
J.Mitchell	2015	8	92.50	D.15-07-030, ALJ-308	1,140.00			
Subtotal: \$						Subtotal: \$		
COSTS								
#	Item	Detail			Amount	Amount		
1	Workshop Travel	See attached claim with itemized expenses and receipts: R.15-05-006 Expenses_IC.pdf (xls)			961.45			
TOTAL REQUEST: \$14,841						TOTAL AWARD: \$		
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate</p>								
ATTORNEY INFORMATION								

Attorney	Date Admitted to CA BAR ²	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation

C. Attachments Documenting Specific Claim and Comments on Part III (Intervenor completes; attachments not attached to final Decision):

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	<p>R.15-05-006 MGRA_Mitchell_IC.pdf Time sheets for Dr. Mitchell.</p> <p>The 2015 rate for Dr. Mitchell during the second phase of this proceeding is \$285/hr (D.15-07-030).</p> <p>Billing tiers in this time sheet are as follows: Tier 0 - Unbilled time Tier 1 - Travel, Intervenor Compensation (1/2 expert rate) Tier 2 - Review/researching/revisions (full expert rate) Tier 3 - Authoring, analysis (full expert rate)</p>
3	Diane Conklin participated in this proceeding but declines to request intervenor compensation for this portion of it. MGRA wishes to preserve all rights for Diane Conklin to request intervenor compensation in this and all future proceedings in which she makes substantive contribution, and to be eligible for previously established intervenor compensation rates which have been approved by the Commission for her, including applicable adjustments.
4	R.15-05-006 MGRA_Expenses_IC.pdf for a list of all expenses.
5	R.15-05-006 MGRA_Expenses_Receipts.pdf for all receipts for costs included in the expense claim.

D. CPUC Disallowances and Adjustments (CPUC completes):

Item	Reason

² This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .

PART IV: OPPOSITIONS AND COMMENTS

**Within 30 days after service of this Claim, Commission Staff
or any other party may file a response to the Claim (see § 1804(c))**

(CPUC completes the remainder of this form)

A. Opposition: Did any party oppose the Claim?	
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If so:

Party	Reason for Opposition	CPUC Discussion

B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	
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If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. Intervenor [has/has not] made a substantial contribution to D. _____.
2. The requested hourly rates for Intervenor's representatives [,as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses [,as adjusted herein,] are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$ _____.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Intervenor is awarded \$_____.
2. Within 30 days of the effective date of this decision, _____ shall pay Intervenor the total award. [for multiple utilities: “Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Intervenor their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily litigated.”] Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning [date], the 75th day after the filing of Intervenor’s request, and continuing until full payment is made.
3. The comment period for today’s decision [is/is not] waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

**Attachment 1:
Certificate of Service by Customer**

I hereby certify that I have this day served a copy of the foregoing **INTERVENOR COMPENSATION CLAIM OF [Intervenor's Name] AND DECISION ON INTERVENOR COMPENSATION CLAIM** by (check as appropriate):

- ☐ hand delivery;
- ☐ first-class mail; and/or
- ☐ electronic mail

to the following persons appearing on the official Service List:

[Insert names and addresses from official Service List]

Executed this [day] day of [month], [year], at [city], California.

[Signature]

[Typed name and address]